

**FIFTY-SECOND DAY - MARCH 28, 2003****LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE  
FIRST SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 28, 2003

**PRAYER**

The prayer was offered by Pastor Norman Nelson, St. Peters Lutheran Church, Pender, Nebraska.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Bromm presiding.

The roll was called and all members were present except Senators Byars, Engel, Loudon, D. Pederson, Preister, Schrock, Stuthman, Synowiecki, and Vrtiska who were excused; and Senators Brashear, Maxwell, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-first day was approved.

**UNANIMOUS CONSENT - Members Excused**

Senators Foley, Landis, and Mines asked unanimous consent to be excused until they return. No objections. So ordered.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 27, 2003, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Adair, Peggy  
League of Woman Voters of Nebraska

Benjamin, Connie  
AARP

Buntain, David R.  
Housing Authority of Lincoln

Cavanaugh Law Firm, P.C.  
Tenet Health System

Kerr, Karren  
League of Woman Voters of Nebraska

Mahlendorf, Donna  
Dun & Bradstreet

Radcliffe, Walter H. of Radcliffe & Associates  
League of Nebraska Municipalities

Roland, Gene  
Kinder Morgan, Inc.

Siemek, Vern J.  
Aquila

## REPORTS

The following report was received by the Legislature:

### **Health and Human Services System**

Newborn Hearing Screening Program Annual Report

## RESOLUTION

### **LEGISLATIVE RESOLUTION 66.** Introduced by Johnson, 37.

WHEREAS, the University of Nebraska-Kearney athletic teams have achieved national recognition and accomplishments in the 2002-2003 academic year; and

WHEREAS, the University of Nebraska-Kearney football team qualified for the Regional Play-Offs, posted six All-Region team members, and one All-American team member; and

WHEREAS, the University of Nebraska-Kearney men's and women's indoor track and field teams posted four All-American performances at the Division II National Indoor Track and Field Championships in Boston, Massachusetts, on March 14-15, 2003; and

WHEREAS, the University of Nebraska-Kearney Wrestling team achieved a 2nd place finish at the Division II National Wrestling Tournament in Wheeling, West Virginia, on March 14-15, 2003, with six All-Americans and one National Champion; and

WHEREAS, the University of Nebraska-Kearney women's basketball team qualified for the Division II NCAA Basketball Tournament; and

WHEREAS, the University of Nebraska-Kearney men's basketball team became the first Nebraska team in history to qualify for "Elite Eight" status in the Division II NCAA Basketball Tournament; and

WHEREAS, the University of Nebraska-Kearney athletic teams maintain a cumulative grade point average of 3.04, with special recognition to the women's basketball team which maintains a grade point average of 3.66, the men's basketball team which maintains a grade point average 3.23, and the women's track and field team which maintains a grade point average of 3.36.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the University of Nebraska-Kearney athletic teams on their achievements in athletic competition and in the classroom this season.

2. That a copy of this resolution be sent to the University of Nebraska-Kearney Athletic Department.

Laid over.

#### **WITHDRAW - Amendment to LB 175**

Senator Redfield withdrew her pending amendment, AM0766, printed separately and referred to on page 834, to LB 175.

#### **MOTION - Return LB 175 to Select File**

Senator Redfield moved to return LB 175 to Select File for her specific pending amendment, AM0925, found on page 1028.

The Redfield motion to return prevailed with 32 ayes, 0 nays, 2 present and not voting, and 15 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 175.** The Redfield specific pending amendment, AM0925, found on page 1028, was adopted with 31 ayes, 0 nays, 5 present and not voting, and 13 excused and not voting.

Advanced to E & R for reengrossment.

#### **WITHDRAW - Amendment to LB 175**

Senator Chambers withdrew his pending amendment, FA1190, found on page 751, to LB 175.

**WITHDRAW - Amendments to LB 186**

Senator Beutler withdrew his pending amendments, AM0349 and AM0348, found on page 599, to LB 186.

**MOTION - Return 186 to Select File**

Senator Beutler moved to return 186 to Select File for the following specific amendment:

AM0824

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 39-2603, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 39-2603. (1) Except as provided in subsection (2) of
- 6 this section, no person shall locate or maintain a junkyard, any
- 7 portion of which is within one thousand feet of the nearest edge of
- 8 the right-of-way of any roadway of the Highway Beautification
- 9 Control System, without obtaining a permit from the department.
- 10 (2) Junkyards located in counties which have formally
- 11 adopted a comprehensive development plan and a zoning resolution
- 12 regulating the location of junkyards within one thousand feet of
- 13 the nearest edge of the right-of-way of any roadway of the Highway
- 14 Beautification Control System, except those routes which consist of
- 15 the federally designated National System of Interstate and Defense
- 16 Highways, shall be exempt from the permit requirements of sections
- 17 39-2601 to 39-2612.
- 18 Sec. 2. Original section 39-2603, Reissue Revised
- 19 Statutes of Nebraska, is repealed."
- 20 2. On page 1, strike beginning with "sections" in line 1
- 21 through line 6 and insert "section 39-2603, Reissue Revised
- 22 Statutes of Nebraska; to change provisions relating to junkyards
- 23 along roadways; to harmonize provisions; and to repeal the original
- 1 section."

The Beutler motion to return prevailed with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 186.** The Beutler specific amendment, AM0824, found in this day's Journal, was adopted with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

Advanced to E & R for reengrossment.

**UNANIMOUS CONSENT - Member Excused**

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

**MOTION - Return LB 216 to Select File**

Senator Beutler moved to return LB 216 to Select File for his specific pending amendment, AM0820, found on page 906.

**SENATOR DW. PEDERSEN PRESIDING**

Senator Beutler requested a roll call vote on his motion to return.

Voting in the affirmative, 11:

Beutler	Cunningham	Janssen	Stuhr
Chambers	Hartnett	Price	Thompson
Connealy	Hudkins	Schimek	

Voting in the negative, 22:

Aguilar	Erdman	Jones	Mossey	Tyson
Baker	Foley	Kremer	Pedersen, Dw.	Wehrbein
Bourne	Friend	Landis	Quandahl	
Burling	Jensen	McDonald	Redfield	
Combs	Johnson	Mines	Smith	

Present and not voting, 6:

Brashear	Brown	Maxwell
Bromm	Kruse	Raikes

Excused and not voting, 10:

Byars	Engel	Pederson, D.	Schrock	Synowiecki
Cudaback	Louden	Preister	Stuthman	Vrtiska

The Beutler motion to return failed with 11 ayes, 22 nays, 6 present and not voting, and 10 excused and not voting.

**BILL ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 216 with 36 ayes, 2 nays, 1 present and not voting, and 10 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 216.**

A BILL FOR AN ACT relating to insurance; to amend sections 44-113, 44-114, 44-407.14, 44-501, 44-1994, 44-5101, 44-5110, and 44-5138, Reissue Revised Statutes of Nebraska, and sections 44-322, 44-924, 44-1103, 44-1106, 44-19,116, 44-2707, 44-5120, 44-5814, 44-7501, 44-7507, 44-7513, and 44-7515, Revised Statutes Supplement, 2002; to change provisions relating to reports, fees, financial statements, interest, policy forms, rules and regulations, form filing and approval requirements, collateral, and investments; to eliminate an applicability provision; to repeal the original sections; and to outright repeal section 44-2823, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Aguilar	Combs	Hudkins	Maxwell	Redfield
Baker	Connealy	Jensen	McDonald	Smith
Bourne	Cunningham	Johnson	Mines	Stuhr
Brashear	Erdman	Jones	Mossey	Tyson
Bromm	Foley	Kremer	Pedersen, Dw.	Wehrbein
Brown	Friend	Kruse	Quandahl	
Burling	Hartnett	Landis	Raikes	

Voting in the negative, 5:

Beutler	Chambers	Price	Schimek	Thompson
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Present and not voting, 1:

Janssen

Excused and not voting, 10:

Byars	Engel	Pederson, D.	Schrock	Synowiecki
Cudaback	Louden	Preister	Stuthman	Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **MOTION - Return LB 250 to Select File**

Senator Kremer moved to return LB 250 to Select File for his specific pending amendment, AM0736, found on page 848.

The Kremer motion to return prevailed with 38 ayes, 0 nays, 2 present and not voting, and 9 excused and not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 250.** The Kremer specific pending amendment, AM0736, found on page 848, was adopted with 38 ayes, 0 nays, 2 present and not voting, and 9 excused and not voting.

Advanced to E & R for reengrossment.

### **MOTION - Return LB 259 to Select File**

Senator Baker moved to return LB 259 to Select File for the Engel specific pending amendment, AM0815, found on page 906.

The Baker motion to return prevailed with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

### **SELECT FILE**

**LEGISLATIVE BILL 259.** The Engel specific pending amendment, AM0815, found on page 906, was adopted with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Advanced to E & R for reengrossment.

### **WITHDRAW - Amendment to LB 292**

Senator Chambers withdrew his pending amendment, FA1184, found on page 670, to LB 292.

### **MOTION - Return LB 292 to Select File**

Senator Hudkins moved to return LB 292 to Select File for the Stuthman specific pending amendment, AM1019, found on page 1037.

The Hudkins motion to return prevailed with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 292.** The Stuthman specific pending amendment, AM1019, found on page 1037, was adopted with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

Advanced to E & R for reengrossment.

Senator Cunningham asked unanimous consent to be excused until he returns. No objections. So ordered.

**MOTION - Return LB 292 to Select File**

Senator Landis moved to return LB 292 to Select File for the following specific amendment:

AM1071

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Sec. 4. Section 77-112, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 77-112. Actual value of real property for purposes of
- 5 taxation means the market value of real property in the ordinary
- 6 course of trade. Actual value may be determined using
- 7 professionally accepted mass appraisal methods, including, but not
- 8 limited to, the (1) sales comparison approach, (2) income approach,
- 9 and (3) cost approach. Actual value is the most probable price
- 10 expressed in terms of money that a property will bring if exposed
- 11 for sale in the open market, or in an arm's length transaction,
- 12 between a willing buyer and willing seller, both of whom are
- 13 knowledgeable concerning all the uses to which the real property is
- 14 adapted and for which the real property is capable of being used.
- 15 In analyzing the uses and restrictions applicable to real property,
- 16 the analysis shall include a consideration of the full description
- 17 of the physical characteristics of the real property and an
- 18 identification of the property rights being valued."
- 19 2. On page 1, line 3, after the second comma insert
- 20 "77-112,".
- 21 3. On page 3, line 24, strike "7" and insert "8".
- 22 4. On page 10, line 6, after the third comma insert
- 23 "77-112,".
- 1 5. Renumber the remaining sections accordingly.

The Landis motion to return prevailed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.



**SELECT FILE**

**LEGISLATIVE BILL 292.** The Landis specific amendment, AM1071, found in this day's Journal, was adopted with 34 ayes, 0 nays, 4 present and not voting, and 11 excused and not voting.

Advanced to E & R for reengrossment.

**MOTION - Return LB 292 to Select File**

Senator Wehrbein moved to return LB 292 to Select File for the following specific amendment:

AM1072

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Sec. 12. Section 77-5004, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 77-5004. (1) Each commissioner shall be a qualified
- 5 voter and resident of the state and, for each commissioner
- 6 representing a congressional district, a resident of the district
- 7 he or she represents.
- 8 (2) Each commissioner shall devote his or her full time
- 9 and efforts to the discharge of his or her duties and shall not
- 10 hold any other office under the laws of this state, any city or
- 11 county in this state, or the United States Government while serving
- 12 on the commission. Each commissioner shall possess:
- 13 (a) Appropriate knowledge of terms commonly used in or
- 14 related to real property appraisal and of the writing of appraisal
- 15 reports;
- 16 (b) Adequate knowledge of depreciation theories, cost
- 17 estimating, methods of capitalization, and real property appraisal
- 18 mathematics;
- 19 (c) An understanding of the principles of land economics,
- 20 appraisal processes, and problems encountered in the gathering,
- 21 interpreting, and evaluating of data involved in the valuation of
- 22 real property, including complex industrial properties and mass
- 23 appraisal techniques;
- 1 (d) Knowledge of the law relating to taxation, civil and
- 2 administrative procedure, due process, and evidence in Nebraska;
- 3 (e) At least thirty hours of successfully completed class
- 4 hours in courses of study, approved by the Real Estate Appraiser
- 5 Board, which relate to appraisal and which include a fifteen-hour
- 6 course in the Uniform Standards of Professional Appraisal Practice.
- 7 If a commissioner has not received such training prior to his or
- 8 her appointment, such training shall be completed within one year
- 9 after appointment; and
- 10 (f) Such other qualifications and skills as reasonably
- 11 may be requisite for the effective and reliable performance of the

12 commission's duties.

13 (3) One commissioner shall possess any certification or  
14 training required to become a licensed real estate appraiser as set  
15 forth in section 76-2230.

16 (4) Prior to January 1, 2002, the chairperson, and on and  
17 after January 1, 2002, at least two commissioners, shall have been  
18 engaged in the practice of law in the State of Nebraska for at  
19 least five years, which may include prior service as a judge, and  
20 shall be currently admitted to practice before the Nebraska Supreme  
21 Court.

22 (5) No commissioner or employee of the commission shall  
23 hold any position of profit or engage in any occupation or business  
24 interfering with or inconsistent with his or her duties as a  
25 commissioner or employee. A person is not eligible for appointment  
26 and may not hold the office of commissioner or be appointed by the  
27 commission to or hold any office or position under the commission  
1 if he or she holds any official office or position.

2 (6)(a) Each commissioner who meets the requirements of  
3 subsection (4) of this section on or after January 1, 2002, shall  
4 annually attend a seminar or class of at least two days' duration  
5 that is:

6 (i) Sponsored by a recognized assessment or appraisal  
7 organization, in each of these areas: Utility and railroad  
8 appraisal; appraisal of complex industrial properties; appraisal of  
9 other hard to assess properties; and mass appraisal, residential or  
10 agricultural appraisal, or assessment administration; or

11 (ii) Pertaining to management, law, civil or  
12 administrative procedure, or other knowledge or skill necessary for  
13 performing the duties of the office.

14 (b) Each commissioner who does not meet the requirements  
15 of subsection (4) of this section on or after January 1, 2002,  
16 shall within two years after his or her appointment attend at least  
17 thirty hours of instruction that constitutes training for judges or  
18 administrative law judges.

19 (7) The commissioners shall be considered employees of  
20 the state for purposes of sections 81-1301 to 81-1391 and 84-1601  
21 to 84-1615.

22 (8) The commissioners shall be reimbursed as prescribed  
23 in sections 81-1174 to 81-1177 for their actual and necessary  
24 expenses in the performance of their official duties pursuant to  
25 the Tax Equalization and Review Commission Act. ~~Mileage expenses~~  
26 ~~incurred while traveling in the line of duty to and from a~~  
27 ~~commissioner's primary residence to the commission office as well~~  
1 ~~as living expenses for any commissioner whose residence is located~~  
2 ~~more than eighty miles from the commission office shall be~~  
3 ~~reimbursed by the state if:~~

4 (a) The commission has adopted and promulgated rules and  
5 regulations establishing guidelines for allowable reimbursement of  
6 mileage and living expenses, except that the reimbursement rate for

7 mileage shall not exceed the rate established by the Department of  
8 Administrative Services pursuant to section 81-1176;

9 (b) ~~The commissioner complies with the request procedures~~  
10 ~~for reimbursement set forth in such guidelines; and~~

11 (c) ~~The total amounts authorized for reimbursement of~~  
12 ~~such mileage and living expenses in any fiscal year shall not cause~~  
13 ~~the total expenses to exceed the total funds appropriated to the~~  
14 ~~program established for commissioners' expenses.~~

15 Sec. 14. Section 81-1174, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 81-1174. Whenever any state officer, employee, or member  
18 of any commission, council, committee, or board of the state is  
19 entitled to be reimbursed for actual expenses incurred by him or  
20 her in the line of duty, he or she shall be required to present a  
21 request for payment or reimbursement each month to the Director of  
22 Administrative Services. Each request shall be fully itemized,  
23 including when, where, and why the expense was incurred and the  
24 actual amount involved. When reimbursement is requested for  
25 mileage by automobile, air travel by commercial carrier, air travel  
26 in airplanes chartered by the department or agency, or air travel  
27 by personally rented airplane, the points between which such travel  
1 occurred, the times of arrival and departure, and the necessity and  
2 purpose of such travel shall be shown on such request. When  
3 reimbursement is requested for mileage by automobile, the license  
4 number, the owner of the automobile used, and the rate per mile  
5 being requested shall also be shown on each request. The  
6 Accounting Administrator may require less supporting detail for  
7 requests covered in this section but shall not impose reporting  
8 requirements which exceed those listed unless specifically  
9 authorized by other provisions of law. No request shall be  
10 submitted by an individual for an expense when such expense has  
11 been paid by the agency or department concerned. When  
12 reimbursement for expenses incurred in air travel by privately  
13 owned airplane is requested, the cost of operating the airplane at  
14 rates per mile as established by the Department of Administrative  
15 Services shall be shown on such request. Travel by privately owned  
16 airplane or personally rented airplane shall only be authorized  
17 when it is more economical than surface transportation or will  
18 result in a substantial savings of expense or productive time. The  
19 statement of expenses shall be duly verified and supported by  
20 receipts for all of such expenditures, except meals and immaterial  
21 items identified by the director, for which reimbursement is  
22 requested. No charge for mileage shall be allowed when such  
23 mileage accrues while using an automobile owned by the State of  
24 Nebraska. No personal maintenance expenses shall be allowed to any  
25 state officer, employee, or member of any commission, council,  
26 committee, or board of the state when such expenses are incurred in  
27 the city or town in which the residence or primary work location of  
1 such individual is located, except that individuals required to

2 attend official functions, conferences, or hearings within such  
 3 location, not to include normal day-to-day operations of the  
 4 department, agency, commission, council, committee, or board, may  
 5 be paid or reimbursed in accordance with policies established by  
 6 the Director of Administrative Services, ~~and except as provided~~  
 7 ~~for commissioners of the Tax Equalization and Review Commission~~  
 8 ~~pursuant to section 77-5004.~~ The approval to attend a function,  
 9 conference, or hearing shall be obtained from the director of the  
 10 department, agency, commission, council, committee, or board prior  
 11 to an individual's attendance at such function, conference, or  
 12 hearing. Nothing in this section shall be construed to prohibit  
 13 the furnishing of coffee, tea, and any similar beverage by the  
 14 Legislature or the Legislative Council to its employees or guests.  
 15 Sec. 15. Sections 12, 14 to 16, and 18 of this act  
 16 become operative on July 1, 2003. The other sections of this act  
 17 become operative three calendar months after adjournment of this  
 18 legislative session.

19 Sec. 16. Original section 81-1174, Reissue Revised  
 20 Statutes of Nebraska, and section 77-5004, Revised Statutes  
 21 Supplement, 2002, are repealed.

22 Sec. 18. Since an emergency exists, this act takes  
 23 effect when passed and approved according to law."  
 24 2. On page 1, lines 1 and 2, strike "section 18-1743"  
 25 and insert "sections 18-1743 and 81-1174"; in line 4 before "and"  
 26 insert "77-5004,"; in line 7 after the semicolon insert "to change  
 27 provisions relating to the Tax Equalization and Review  
 1 Commission,"; in line 8 strike "and" and insert "to provide  
 2 operative dates,"; and in line 9 before the period insert "; and to  
 3 declare an emergency".

4 3. Renumber the remaining sections accordingly.

The Wehrbein motion to return prevailed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 292.** The Wehrbein specific amendment, AM1072, found in this day's Journal, was adopted with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Advanced to E & R for reengrossment.

### MOTION - Return LB 333 to Select File

Senator Quandahl moved to return LB 333 to Select File for his specific pending amendment, AM0481, found on page 622.

The Quandahl motion to return prevailed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 333.** The Quandahl specific pending amendment, AM0481, found on page 622, was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Advanced to E & R for reengrossment.

**SENATOR LANDIS PRESIDING**

**MOTION - Return LB 357 to Select File**

Senator Schimek moved to return LB 357 to Select File for her specific pending amendment, AM0747, found on page 851.

The Schimek motion to return prevailed with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 357.** The Schimek specific pending amendment, AM0747, found on page 851, was adopted with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

Advanced to E & R for reengrossment.

**MOTION - Return LB 357 to Select File**

Senator Smith moved to return LB 357 to Select File for his specific pending amendment, AM0878, found on page 960.

The Smith motion to return prevailed with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 357.** The Smith specific pending amendment, AM0878, found on page 960, was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to E & R for reengrossment.

**MOTION - Return LB 385 to Select File**

Senator Beutler moved to return LB 385 to Select File for his specific pending amendment, FA1199, found on page 907.

Senator Beutler withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 385.**

A BILL FOR AN ACT relating to the Local Civic, Cultural, and Convention Center Financing Act; to amend sections 13-2705 to 13-2708, Revised Statutes Supplement, 2002; to change provisions relating to grant application and approval; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Aguilar	Combs	Hudkins	Mossey	Smith
Baker	Connealy	Janssen	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Johnson	Price	Thompson
Bourne	Erdman	Kremer	Quandahl	Tyson
Brashear	Foley	Landis	Raikes	Wehrbein
Bromm	Friend	Maxwell	Redfield	
Brown	Hartnett	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 6:

Burling	Jensen	Kruse
Chambers	Jones	Mines

Excused and not voting, 10:

Byars	Engel	Pederson, D.	Schrock	Synowiecki
Cunningham	Louden	Preister	Stuthman	Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB 451 to Select File**

Senator Stuhr moved to return LB 451 to Select File for her specific pending amendment, AM0890, found on page 970.

The Stuhr motion to return prevailed with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 451.** The Stuhr specific pending amendment, AM0890, found on page 970, was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for reengrossment.

**MOTION - Return LB 524 to Select File**

Senator Bromm moved to return LB 524 to Select File for his specific pending amendment, AM0836, found on page 1049.

The Bromm motion to return prevailed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 524.** The Bromm specific pending amendment, AM0836, found on page 1049, was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to E & R for reengrossment.

**UNANIMOUS CONSENT - Member Excused**

Senator Cunningham asked unanimous consent to be excused until he returns. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 112.** Title read. Considered.

The Standing Committee amendment, AM0524, found on page 728, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Senator Aguilar asked unanimous consent to be excused. No objections. So ordered.

Senator Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 267.** Title read. Considered.

The Standing Committee amendment, AM0134, found on page 633, was considered.

Senator Brashear offered the following amendment to the Standing Committee amendment:

AM1070

(Amendments to Standing Committee amendments, AM0134)

- 1 1. On page 3, strike lines 1 through 3 and insert
- 2 "established pursuant to section 71-3204;".

The Brashear amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

**LEGISLATIVE BILL 439.** Title read. Considered.

The Standing Committee amendment, AM0708, found on page 754, was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

**SPEAKER BROMM PRESIDING**

Pending.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 216 and 385.



**GENERAL FILE****LEGISLATIVE BILL 439.** Considered.

Senator Landis asked unanimous consent to be excused. No objections. So ordered.

Senator Hudkins moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 3 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Senator Kruse asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 500.** Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 6 present and not voting, and 14 excused and not voting.

**AMENDMENTS - Print in Journal**

Senator Smith filed the following amendment to LB 363:  
AM1044

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Sections 1 to 4 of this act shall be known
- 4 and may be cited as the Prairie Protection Act.
- 5 Sec. 2. For purposes of the Prairie Protection Act:
- 6 (1) Destructive rodent pests means one or more rodents,
- 7 including but not limited to prairie dogs and pocket gophers, that
- 8 pose a threat to agricultural, horticultural, or livestock concerns
- 9 or to human health; and
- 10 (2) Person means a natural person, public authority,
- 11 private corporation, association, firm, partnership, limited
- 12 liability company, or business trust of any nature whatsoever
- 13 organized and existing under the laws of this state or of the
- 14 United States or any other state thereof.
- 15 Sec. 3. (1) The county board may purchase materials and
- 16 equipment and employ one or more suitable persons to manage
- 17 destructive rodent pests within the county. Any materials and
- 18 equipment so purchased and compensation for such services may be
- 19 paid out of the county general fund or a specially designated fund
- 20 of such county.
- 21 (2) The county board may put into operation a plan for
- 22 the management of destructive rodent pests within the county. The

23 plan shall be in accordance with the approved procedure of the  
24 Animal and Plant Health Inspection Service of the United States  
1 Department of Agriculture. The county board may solicit  
2 cooperation from the federal agency for the management of  
3 destructive rodent pests and may enter into cooperative agreements  
4 with federal agencies for such management.  
5 Sec. 4. (1) No person shall release destructive rodent  
6 pests into a county unless such person has complied with all  
7 requirements for such release imposed by the Game and Parks  
8 Commission and obtained both the prior approval of the commission  
9 and the prior approval, by resolution duly adopted, of the county  
10 board of such county. A person need not obtain such prior approval  
11 before:  
12 (a) Transporting destructive rodent pests through a  
13 county without releasing such destructive rodent pests;  
14 (b) Confining destructive rodent pests indoors or in  
15 cages or similar enclosures and using such destructive rodent pests  
16 for scientific purposes or as food for human or animal consumption;  
17 (c) Keeping destructive rodents pests indoors or in cages  
18 or similar enclosures as pets; or  
19 (d) Releasing destructive rodent pests at the location  
20 where such destructive rodent pests were originally taken into  
21 captivity.  
22 (2) The county may levy an occupation tax on any person  
23 receiving permission to release destructive rodent pests.  
24 (3) The county board of any county into which a person  
25 releases destructive rodent pests without the prior approval of  
26 such board may:  
27 (a) Require the person who released the destructive  
1 rodent pests to manage the destructive rodent pests or remove the  
2 destructive rodent pests from the county; or  
3 (b) Impose a fine upon the person who released the  
4 destructive rodent pests in an amount sufficient to compensate the  
5 county for the cost of managing the destructive rodent pests or  
6 removing the destructive rodent pests from the county."

Senator Preister filed the following amendment to LB 626:  
AM1078

(Amendments to Standing Committee amendments, AM0918)

1 1. On page 1, line 20, after "(2)" insert "Emergency  
2 means necessary to meet an urgent or unexpected requirement to  
3 protect the health, welfare, or safety of people or property or to  
4 meet an externally imposed deadline beyond the agency's control;  
5 (3)"; and in line 23 strike "(3)" and insert "(4)".  
6 2. On page 2, line 1, strike "(4)" and insert "(5)"; and  
7 in line 7 strike "(5)" and insert "(6)".  
8 3. On page 3, line 14, strike "For" and insert "(1)  
9 Except in an emergency, for"; in line 21 strike "(1)" and insert  
10 "(a)"; in line 22 strike "(2)" and insert "(b)"; and in line 26

11 strike "(3)" and insert "(c)".  
 12 4. On page 4, line 3, strike "(4)" and insert "(d)"; and  
 13 in line 6 after the period insert "Any confidential information  
 14 provided by an agency director in the contract application may be  
 15 included as an attachment to the application. The materiel  
 16 division shall maintain the confidentiality of any information  
 17 provided in the application.  
 18 (2) If an emergency exists, an agency director may  
 19 initiate the bidding and contract-award process without submitting  
 20 an application and receiving approval as required in this section  
 21 and section 8 of this act. In such case, the agency director shall  
 22 present in writing to the materiel division within five business  
 23 days after initiating the bidding and contract-award process the  
 1 justification for the emergency and the information required in  
 2 this section."

Senator Preister filed the following amendment to LB 626:  
 AM1077

(Amendments to Standing Committee amendments, AM0918)

- 1 1. On page 2, line 8, after "Nebraska" insert "the  
 2 Legislature, and the courts"; in line 19 after "in" insert "bidding  
 3 and".
- 4 2. On page 3, line 16, after "the" insert "bidding and";  
 5 and in line 25 strike "subdivision" and insert "section".
- 6 3. On page 6, strike beginning with "estimated" in line  
 7 16 through "period" in line 17.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 28, 2003, at 12:40 p.m. were the following: LBs 216 and 385.

(Signed) Diana Bridges  
 Clerk of the Legislature's Office

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Mines asked unanimous consent to have his name added as cointroducer to LB 760. No objections. So ordered.

Senator Hartnett asked unanimous consent to have his name added as cointroducer to LB 790. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Chris Miller and Tom Noecker from Hartington; 30 third- through sixth-grade students and teacher from Lutheran Home School, Lincoln; 8 fourth-grade students and teacher from Cheney Public School, Lincoln; 37 fourth-grade students and teachers from

Lincoln Elementary School, Beatrice; Gordon Krogh from South Sioux City; 25 third- and fourth-grade students and teachers from Wausa; Allison Thomas from Lincoln; and 46 fourth-grade students and teachers from Lexington.

### **ADJOURNMENT**

At 1:06 p.m., on a motion by Senator Burling, the Legislature adjourned until 9:00 a.m., Monday, March 31, 2003.

Patrick J. O'Donnell  
Clerk of the Legislature